

OLL 84-4143
7 November 1984

MEMORANDUM FOR THE RECORD

SUBJECT: Polygraph Hearings Before the Subcommittee on
Investigations of the House Armed Services Committee
on 6 September 1984

1. On 6 September 1984, the Investigations Subcommittee of the House Armed Services Committee held a hearing on the Federal Government's use of the polygraph. The hearing focused on H.R. 4681, the Brooks polygraph bill. Following an open statement by Chairman Nichols (D-Alabama), General Stilwell testified on behalf of the Department of Defense. Stilwell indicated that the Brooks bill would prevent DOD's use of the polygraph to resolve derogatory information, to establish bona fides, to exculpate personnel and to investigate counter-intelligence cases. General Stilwell discussed the DOD Pilot program to beef-up their counterintelligence inquiry for Special Access Required (SAR) programs. Stilwell assured the Subcommittee that no adverse action would be taken on SAR polygraph results without further corroboration. Refusal to take a polygraph would not result in firings although a limitation of SAR access could result. Stilwell also indicated that H.R. 4681 would have a deleterious impact on the DIA program for Critical Intelligence Provision (CIP). The exclusion of CIA and NSA from the bill indicated the need to protect SCI and national security information. Stilwell said that the same information and responsibilities existed in such programs as the CIP at DOD. Finally, the Brooks bill would restrict use of the polygraph to permit interim access to intelligence sources and methods before a traditional field investigation could be completed.

2. In response to a question from Chairman Nichols, General Stilwell said that DOD had reached a preliminary agreement with HPSCI concerning the conduct of the Pilot program. This statement was later corrected on the record to say that DOD had only reached an agreement in principle with HPSCI staff. In response to another question, Stilwell agreed that there was a basic anomaly in the fact that the same information for which CIA and NSA require polygraph clearance is available in DOD without that clearance process. Stilwell said that there were over 115,000 DOD employees with SCI clearance; Top Secret clearance numbers ever more. Stilwell

estimated existing Secret clearances at over 2 million. Every five years DOD attempts to update the bona fides of those persons with Top Secret clearance, but DOD is hard pressed to do that. This updating currently includes an interview plus check with co-workers and supervisors. In response to a question on the OTA study of polygraph validity General Stilwell said that he disagreed with the OTA study and that DOD had studies of their own that documented the accuracy of the polygraph.

3. Following General Stilwell, [] Chief of NSA Operation Security, testified. [] gave a broad overview of the NSA's use of the polygraph and its importance in the security program at NSA. [] outlined the nature of the security polygraph at NSA, cited statistics concerning the productivity of polygraph in the various types of cases and gave two examples of the polygraphs utility in developing counterintelligence information. [] stressed that the NSA's program was based upon strict program control and the use professional interrogators. He said that a good program would need those two components. He argued that the polygraph had protected the United States from espionage and provided two examples when polygraph screening caught potential penetrations of NSA. When asked why he was testifying in opposition to the bill in light of NSA's exemption, [] said that the same information circulated at NSA was available at DOD, where a person could have access to that information without having to take a polygraph examination. Consequently the harm to the national security was the same.

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4. In response to a question whether the polygraph would prevent leaks, [] stated that the polygraph would act as a deterrent, but if an individual "stonewalled," the polygraph was of no use. [] believed that the use of the polygraph in investigating leaks was entirely appropriate when SCI and national security information were involved. NSA uses the polygraph when leaks point to NSA. However, [] admitted that it was virtually impossible to trace leaks to one person when hundreds of people have access to the information.

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5. Following [] testimony, Mark Roth of the American Federation of Government Employees testified in support of H.R. 4681 and argued that the Administration had failed to establish the need to expand the polygraph program beyond the CIA and NSA. Mr. Roth characterized NSDD-84 as an attempt to supplant congressional guidance with the coercive use of the polygraph. Mr. Roth argued strenuously that the polygraph didn't work and that the 1979 study performed by DOD indicated that the polygraph failed to detect deception or truth. Mr. Roth then challenged the quality of examiners

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indicating that less than one percent had appropriate training. Mr. Roth felt that the real danger was that the polygraph would give a false sense of security to the United States; the polygraph would lend credibility to a person who was able to deceive it. Finally AFGE believes that Reagan wants to clean up on whistle blowers and that the expanded use of the polygraph is an attempt to come down hard on federal employees who report waste and fraud. Mr. Roth said that NSDD-84 was politically motivated and that if Reagan were re-elected, NSDD-84 would be re-proposed in some form or another.

6. Following Mr. Roth's testimony, the Committee went into executive session to hear the testimony of [redacted] Director of Security for the CIA. [redacted] prepared a rebuttal of many of the points that Mr. Roth made in his presentation. [redacted] indicated that Mr. Roth confused whistle blowers with leakers and that extended polygraph use wouldn't impair whistle blowing since people who are interested in disclosing government fraud and waste would have other ways to get their information out (i.e. Congressional oversight Committees.) Concerning polygraph examiners, [redacted] indicated that it is important to train and monitor examiners and that CIA had a rigorous program in this regard. [redacted] reiterated NSA's concerns about H.R. 4681, that CIA information goes throughout the intelligence community and needs the same protection wherever it goes. [redacted] then turned to his prepared statement and highlighted certain provision, such as the indispensability of the polygraph to the CIA security program. [redacted] outlined the CIA program and indicated its major successes.

7. Chairman Nichols asked [redacted] for a general overview of the CIA's experience with the polygraph and asked what types of questions CIA asked its employees. [redacted] responded with an extensive explanation of the different testing formats and the principal question types asked. Following these questions, Chairman Nichols indicated that he was very pleased with the CIA's testimony and very impressed with both the Agency and the Agency's polygraph program.

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